

**From:** [Eric Clopper](#)  
**To:** [Sarah Cohen](#)  
**Cc:** [David Bibiyan](#); [Chris Cude](#); [jeff@tomorrowlaw.com](mailto:jeff@tomorrowlaw.com); [Rafael Yedoyan](#); [Nadia Rodriguez](#); [thomavvxngroupllcetalz11731883@projects.filevine.com](mailto:thomavvxngroupllcetalz11731883@projects.filevine.com); [Wesley Gonzales](#); [Brad Kane](#)  
**Subject:** RE: Thoma v. VXN et al, - Meet and Confer on Plaintiff's Second Amended Complaint  
**Date:** Wednesday, March 6, 2024 4:00:27 PM

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Hi Sarah,

I have sent out a Zoom invite for 10 am tomorrow (March 7<sup>th</sup>, 2024).

Please let me know if you need me to change the Zoom invite. Otherwise, Brad and I look forward to talking to you tomorrow at 10 am.

Best,

Eric

Eric Clopper  
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Kane Law Firm  
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**From:** Sarah Cohen <[sarah@tomorrowlaw.com](mailto:sarah@tomorrowlaw.com)>  
**Sent:** Wednesday, March 6, 2024 3:31 PM  
**To:** Brad Kane <[bkane@kanelaw.la](mailto:bkane@kanelaw.la)>  
**Cc:** David Bibiyan <[david@tomorrowlaw.com](mailto:david@tomorrowlaw.com)>; Eric Clopper <[eclopper@kanelaw.la](mailto:eclopper@kanelaw.la)>; Chris Cude <[ccude@kanelaw.la](mailto:ccude@kanelaw.la)>; [jeff@tomorrowlaw.com](mailto:jeff@tomorrowlaw.com); Rafael Yedoyan <[rafael@tomorrowlaw.com](mailto:rafael@tomorrowlaw.com)>; Nadia Rodriguez <[nadia@tomorrowlaw.com](mailto:nadia@tomorrowlaw.com)>; [thomavvxngroupllcetalz11731883@projects.filevine.com](mailto:thomavvxngroupllcetalz11731883@projects.filevine.com); Wesley Gonzales <[wesley@tomorrowlaw.com](mailto:wesley@tomorrowlaw.com)>  
**Subject:** Re: Thoma v. VXN et al, - Meet and Confer on Plaintiff's Second Amended Complaint

Good Afternoon Brad,

I have been getting up to speed since returning from vacation yesterday. Are you available for a call tomorrow? I am available between 10am-2pm.

Thank you.

On Tue, Mar 5, 2024 at 2:40 PM Brad Kane <[bkane@kanelaw.la](mailto:bkane@kanelaw.la)> wrote:

David,

Thank you for responding promptly on Sarah Cohen's behalf.

**Scope of Change of Address**

As an initial matter, it is noteworthy that Ms. Cohen continues to file documents in federal court while she is "out of the office and will be until the end of the week." [Dkt. 50]

More important, you avoided answering Eric Clopper's question:

*Please advise if Sarah Cohen's change of address apply to all of Plaintiff's counsel?*

**Meet and Confer on Second Amended Complaint**

Given Plaintiff's past filings based on inconsistent factual allegations and reliance on reversed case law to multiply the proceedings and drive-up litigation costs, my client still hopes to meet and confer with one of Plaintiff's counsel prior to the filing of the Second Amended Complaint ("SAC") to avoid unnecessary motion practice. Ms. Cohen's purported absence does not change the fact that both you and Jeffrey are also counsel of record for Plaintiff, and listed above Sarah on every pleading.

*Please advise if all three of Plaintiff's counsel are unwilling to meet and confer prior to the filing of the SAC.*

**Mediation**

Given the Court's comments that even assuming your client is an employee (a disputed fact) Wage Order 12 Governing the Motion Picture Industry likely controls. Mediation will not be productive until: (i) your client expressly recognizes that Wage Order 12 controls; or (ii) Defendants obtain summary judgment on that threshold issue.

I look forward to working with you.

Best,

Brad

Brad S. Kane  
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**From:** David Bibiyan <[david@tomorrowlaw.com](mailto:david@tomorrowlaw.com)>

**Sent:** Monday, March 4, 2024 11:31 AM

**To:** Eric Clopper <[eclopper@kanelaw.la](mailto:eclopper@kanelaw.la)>

**Cc:** Sarah Cohen <[sarah@tomorrowlaw.com](mailto:sarah@tomorrowlaw.com)>; Brad Kane <[bkane@kanelaw.la](mailto:bkane@kanelaw.la)>; Chris Cude <[ccude@kanelaw.la](mailto:ccude@kanelaw.la)>; [jeff@tomorrowlaw.com](mailto:jeff@tomorrowlaw.com); Rafael Yedoyan <[rafael@tomorrowlaw.com](mailto:rafael@tomorrowlaw.com)>

**Subject:** Re: Thoma v. VXN et al, - Meet and Confer on Plaintiff's Second Amended Complaint

Eric:

Sarah is out of the office and will be until the end of the week. She will respond to you at that time about the pleadings.

However, given your email purporting to want to work together, it's become abundantly clear that the litany of pleadings motions have resulted in the following revelation: this case is going to continue on a class and paga basis in a substantially similar form to when it was filed. Once discovery ramps up in earnest, the fees and costs will only intensify greatly, and the opportunity for an early class and paga resolution will dwindle.

Please advise if your client is interested in attending a mediation when these last details of the pleadings are resolved. If it is not, that is fine, but we'd like it notated for the record that our attempt at an early resolution, prior to the serious fees and costs that will be incurred in litigation, not to mention the incidental costs of discovery and litigation, which all should bear in mind.

Best regards.

David D. Bibiyan  
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**\*\* PLEASE NOTE THAT OUR ADDRESS HAS CHANGED:**

On Mon, Mar 4, 2024 at 11:24 AM Eric Clopper <[eclopper@kanelaw.la](mailto:eclopper@kanelaw.la)> wrote:

Sarah,

I hope you and your father have been well.

Thank you for your Change of Address (Dkt. 50). Does this apply to all of Plaintiff's Counsel or just you? I want to make sure the POS is correct.

Equally important, Judge Hsu indicated we should work together as much as possible.

Are you available for a Zoom meet and confer this week regarding your client's second amended complaint? What date(s)/time(s) work best for you this week?

We would like to avoid the necessity of another 12(b)(6) motion.

Best,

Eric

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Kind regards,

Sarah Cohen, Esq.  
Associate Attorney

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